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Attorneys for LIBERTY INSURANCE UNDERWRITERS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

WEBCOR CONSTRUCTION, LP dba
WEBCOR BUILDERS, a California limited
partnership;
ARCHITECTURAL GLASS AND
ALUMINUM CO., INC., a California
corporation.,

Plaintiffs,

VS.

ZURICH AMERICAN INSURANCE COMPANY, a New York corporation; WESTCHESTER FIRE INSURANCE COMPANY, a Pennsylvania corporation; OLD REPUBLIC GENERAL INSURANCE CORPORATION, an Illinois corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA., a Pennsylvania corporation; LIBERTY INSURANCE UNDERWRITERS INC., an Illinois corporation; STARR INDEMNITY & LIABILITY COMPANY, a Texas corporation, and DOES 1-10 Inclusive..

Defendants.

AND RELATED COUNTER, CROSS AND THIRD-PARTY-CLAIMS

Defendants Liberty Insurance Underwriters Inc. ("LIU"), Zurich American Insurance

1075316.3

Case No. 4:17-cv-02220-YGR

STIPULATION AND [PROPOSED] ORDER

1 Company (“Zurich”), and Old Republic General Insurance Corporation (“Old Republic”) on the
2 one hand and Plaintiffs WEBCOR CONSTRUCTION, LP dba WEBCOR BUILDERS,
3 (“Webcor”) and ARCHITECTURAL GLASS AND ALUMINUM CO., INC. (“AGA”)
4 (collectively, “Plaintiffs”) on the other hereby submit the following Stipulation Extending Time to
5 for LIU, Zurich and Old Republic to Answer Plaintiffs’ Second Amended Complaint in the above-
6 captioned action.

7 WHEREAS, on September 28, 2017, this Court granted National Union’s motion to
8 dismiss Plaintiffs’ First Amended Complaint, and ordered that Plaintiffs file their Second
9 Amended Complaint (“SAC”) no later than October 10, 2017 and that all Defendants, including
10 National Union, file their response to the SAC within 14 days of filing.

11 WHEREAS, Plaintiffs filed their SAC on October 10, 2017 in the United States District
12 Court, Northern District of California, case number 4:17-cv-02220-YGR;

13 WHEREAS, on or about October 10, 2017, Plaintiffs electronically served LIU, Zurich
14 and Old Republic with the SAC, triggering Defendants’ responsive pleading deadline of October
15 24, 2017;

16 WHEREAS, on October 18, 2017, the parties participated in mediation, during which the
17 mediator indicated a mediator’s proposal would be provided.

18 WHEREAS, on October 21, 2017 the mediator sent a mediator’s proposal for a global
19 settlement as to all parties except for the third-party defendants.

20 WHEREAS, the deadline for the parties to respond to the mediator’s proposals is
21 November 8, 2017.

22 WHEREAS, LIU, Zurich and Old Republic and Plaintiffs agree it would be mutually
23 beneficial to wait to address a potential response to the SAC and oppositions to any motions
24 challenging the SAC until it can be determined whether a resolution pursuant to the mediator’s
25 proposal can be achieved in order to allow these parties to focus on whatever efforts may be made
26 in order to achieve a settlement in the near future.

27 WHEREAS, National Union and Plaintiffs submitted a similar stipulation and proposed
28 order on October 23, 2017 [Dkt 161], extending time for National Union’s response to the SAC.

1 WHEREFORE, LIU, Zurich and Old Republic and Plaintiffs stipulate and agree to the
2 following:

3 1. LIU, Zurich and Old Republic are not moving to dismiss the complaint.
4 2. The deadline for LIU, Zurich and Old Republic to Answer to the SAC is extended from
5 October 24, 2017 until and including November 15, 2017.

6 IT IS SO STIPULATED:

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1 DATED: MANATT, PHELPS & PHILLIPS LLP

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3 October 26, 2017 By: _____ /s/
4 Amy B. Briggs, Esq.
5 Attorneys for WEBCOR CONSTRUCTION, LP d/b/a
WEBCOR BUILDERS

6 DATED: WOLKIN CURRAN LLP

7
8 October 26, 2017 By: _____ /s/
9 Brandt L. Wolkin, Esq.
10 Attorneys for ARCHITECTURAL GLASS AND
ALUMINUM CO., INC.

11 DATED: BRANSON, BRINKOP, GRIFFITH & CAMPO LLP

12
13 October 26, 2017 By: _____ /s/
14 John R. Campo, Esq.
15 Attorneys for OLD REPUBLIC GENERAL
INSURANCE CORPORATION

16 DATED: SINNOTT, PUEBLA CAMPAGNE & CURET PLC

17
18 October 26, 2017 By: _____ /s/
19 Blaise S. Curet, Esq.
John T. Meno, Esq.
20 Attorneys for ZURICH AMERICAN INSURANCE
COMPANY

21 DATED: MUSICK, PEELER & GARRETT LLP

22
23 October 26, 2017 By: _____ /s/
24 Susan J. Field, Esq.
Chad A. Westfall, Esq.
25 Attorneys for LIBERTY INSURANCE
UNDERWRITERS INC.

ORDER

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IT IS SO ORDERED.

DATED: October 27, 2017

Yvonne Gonzalez Rogers
YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE